

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS John Dee Spicer, Chapter 7 Trustee		DEFENDANTS Apple Drugs, PLLC
ATTORNEYS (Firm Name, Address, and Telephone No.) Lyndel Anne Mason Cavazos, Hendricks, Poirot and Smitham, P.C. 900 Jackson St., Ste. 570 Dallas, Texas 75202 214-573-7300		ATTORNEYS (If Known)
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input checked="" type="checkbox"/> Trustee		PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input checked="" type="checkbox"/> Other <input type="checkbox"/> Trustee
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Fraudulent Transfer		
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
FRBP 7001(1) – Recovery of Money/Property <ul style="list-style-type: none"> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input checked="" type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <ul style="list-style-type: none"> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <ul style="list-style-type: none"> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <ul style="list-style-type: none"> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <ul style="list-style-type: none"> <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <ul style="list-style-type: none"> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)		
FRBP 7001(6) – Dischargeability (continued) <ul style="list-style-type: none"> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <ul style="list-style-type: none"> <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <ul style="list-style-type: none"> <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <ul style="list-style-type: none"> <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <ul style="list-style-type: none"> <input type="checkbox"/> 01-Determination of removed claim or cause Other <ul style="list-style-type: none"> <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et.seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) 		
<input type="checkbox"/> Check if this case involves a substantive issue of state law		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23
<input type="checkbox"/> Check if a jury trial is demanded in complaint		Demand \$265,000.00
Other Relief Sought		

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Renaissance Hospital, et al.	BANKRUPTCY CASE NO. 08-43775	
DISTRICT IN WHICH CASE IS PENDING Northern District of Texas	DIVISION OFFICE Fort Worth	NAME OF JUDGE Lynn
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
DATE September 17, 2010	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Lyndel Anne Mason	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

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COUNSEL FOR JOHN DEE SPICER, CHAPTER 7 TRUSTEE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE:

RENAISSANCE HOSPITAL – GRAND
PRAIRIE, INC. d/b/a RENAISSANCE
HOSPITAL – GRAND PRAIRIE,
RENAISSANCE HOSPITAL – DALLAS, INC.,
RENAISSANCE HOSPITALS, INC. d/b/a
RENAISSANCE HOSPITAL – GROVES,
RENAISSANCE HEALTHCARE
SYSTEMS, INC., and HOUSTON COMMUNITY
HOSPITAL, INC. d/b/a RENAISSANCE
HOSPITAL – HOUSTON,

DEBTORS.

Jointly Administered Under
Case No. 08-43775-DML-7

JOHN DEE SPICER,
CHAPTER 7 TRUSTEE,

PLAINTIFF,

VS.

APPLE DRUGS, PLLC,

DEFENDANT

ADVERSARY NO. _____

PLAINTIFF'S ORIGINAL COMPLAINT AGAINST
APPLE DRUGS, PLLC TO AVOID TRANSFERS

TO THE HONORABLE D. MICHAEL LYNN
UNITED STATES BANKRUPTCY JUDGE:

COMES NOW John Dee Spicer (the "Trustee"), duly appointed Trustee of the bankruptcy estate of Houston Community Hospital, Inc. d/b/a Renaissance Hospital – Houston (hereinafter "Houston Community") and files the following action to avoid one or more preferential and/or fraudulent conveyances against Apple Drugs, PLLC and for other relief.

I.
BACKGROUND

1. On August 21, 2008, Renaissance Hospital-Grand Prairie, Inc. d/b/a Renaissance Hospital Grand Prairie filed its Chapter 11 voluntary petition. Subsequently, on August 26, 2008, Renaissance Hospital Dallas, Inc.; Houston Community Hospital, Inc. d/b/a Renaissance Hospital – Houston; Renaissance Hospitals, Inc. d/b/a Renaissance Hospital – Groves; and Renaissance Healthcare Systems, Inc. filed their Chapter 11 voluntary petitions. The dates of August 21 and 26, 2008 will be referred to jointly as the "Petition Dates."

2. On September 10, 2008 [Docket No. 149], the U.S. Bankruptcy Court ordered that the above-referenced bankruptcy estates be jointly-administered.

3. On September 23, 2009 [Docket No. 1378], the jointly-administered estates of Renaissance Hospital-Grand Prairie, Inc. d/b/a Renaissance Hospital Grand Prairie; Renaissance Hospital Dallas, Inc.; Houston Community Hospital, Inc. d/b/a Renaissance Hospital – Houston; Renaissance Hospitals, Inc. d/b/a Renaissance Hospital – Groves; and Renaissance Healthcare Systems, Inc. (hereinafter jointly referred to as "the Debtors") were all converted to proceedings under Chapter 7 and John Dee Spicer was appointed as the Chapter 7 Trustee of each of the jointly-administered Chapter 7 estates.

II.
JURISDICTION AND VENUE

4. This Court has jurisdiction of this matter under 28 U.S.C. § 157 and 28 U.S.C. § 1334. This is a core matter under 28 U.S.C. 157(b)(2)(A), (B), (E), (F), (H) and (O). Venue is proper in this Court under 28 U.S.C. § 1409.

III.

PARTIES

5. The Trustee, on behalf of the estate of Houston Community, is the Plaintiff in this adversary proceeding.

6. Defendant Apple Drugs, PLLC ("Defendant"), on information and belief, is a corporation doing business in the State of Texas and service of process may be had upon the Defendant as follows: by mailing via regular mail and certified mail return receipt requested, a copy of the Summons and Complaint to Defendant's registered agent for service of process, Andrew O. Anugwom, 1175 Shores Blvd., Rockwall, Texas, 75087-2332, the registered agent authorized to receive notices and communications in accordance with Fed. R. Bankr. P. 7004(b).

7. All conditions precedent to the commencement of this suit have occurred.

IV.

AVOIDANCE OF FRAUDULENT TRANSFERS

8. Plaintiff seeks to avoid certain pre-petition transfer(s) of Houston Community's interests in property totaling \$265,000.00 (collectively, the "Transfers").

9. Detail regarding the Transfers is set forth in Exhibit "A" attached and incorporated herein by reference.

10. The Transfers were made by Houston Community to or for the benefit of the Defendant.

11. Houston Community, which made the Transfers, received less than a reasonably equivalent value in exchange for the Transfers;

12. Houston Community was insolvent on the dates that the Transfers were made or became insolvent as a result of the Transfers;

13. At the time of the Transfers, Houston Community was engaged in business or a transaction, or about to engage in business or a transaction, for which any property remaining with such Debtor was an unreasonably small capital; or

14. At the time of the transfers, Houston Community intended to incur, or believed it would incur, debts that would be beyond the its ability to pay as such debts matured.

15. The Transfers were within two years before the Petition Dates.

16. The Transfers are avoidable under Sections 544 and 548 of the Bankruptcy Code.

17. Pursuant to Section 550 of the Bankruptcy Code, Plaintiff is entitled to recover from Defendant the sum of \$265,000.00.

**V.
PRAYER**

WHEREFORE, Plaintiff respectively prays that this Court:

- a. Avoid and recover the Transfers described in this Complaint pursuant to Sections 544, 548 and/or 550 of the Bankruptcy Code; and
- b. enter judgment in favor of Plaintiff and against Defendant, in an amount equal to the sum of the Transfers, \$265,000.00, plus pre-judgment and post-judgment interest for each payment, costs and attorneys' fees; and
- c. grant Plaintiff such other relief as this Court deems just and proper.

DATED this 16th day of September, 2010.

Respectfully submitted,

/s/ Lyndel Anne Mason
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TX Bar No. 10335700
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COUNSEL FOR JOHN DEE SPICER,
CHAPTER 7 TRUSTEE

EXHIBIT A

Vendor Name	Invoice Date	Invoice Amount	Invoice Number	Pmt Gen Date	Payment Clear Date	Payment Amount
APPLE DRUGS, PLLC.	6/24/2008	\$22,717.93	7626-1	7/18/2008	7/23/2008	\$22,717.93
APPLE DRUGS, PLLC.	7/2/2008	\$4,283.01	0461510-1	7/18/2008	7/23/2008	\$16,848.96
APPLE DRUGS, PLLC.	7/2/2008	\$1,277.35	0460997-2	7/18/2008	7/23/2008	\$16,848.96
APPLE DRUGS, PLLC.	7/2/2008	\$507.73	0461497-1	7/18/2008	7/23/2008	\$19,247.50
APPLE DRUGS, PLLC.	7/2/2008	\$509.08	0461524-2	7/18/2008	7/23/2008	\$19,247.50
APPLE DRUGS, PLLC.	7/2/2008	\$719.93	0461510-3	7/18/2008	7/23/2008	\$19,247.50
APPLE DRUGS, PLLC.	7/6/2008	\$1,897.07	0462172-3	7/18/2008	7/23/2008	\$16,848.96
APPLE DRUGS, PLLC.	7/6/2008	\$6,570.73	0462172-4	7/18/2008	7/23/2008	\$19,247.50
APPLE DRUGS, PLLC.	7/6/2008	\$165.88	0462195-5	7/18/2008	7/23/2008	\$19,247.50
APPLE DRUGS, PLLC.	7/6/2008	\$17.48	0462151-6	7/18/2008	7/23/2008	\$19,247.50
APPLE DRUGS, PLLC.	7/6/2008	\$7,848.77	0462172-1	7/18/2008	7/23/2008	\$23,903.54
APPLE DRUGS, PLLC.	7/7/2008	\$11.03	0463104-4	7/18/2008	7/23/2008	\$16,848.96
APPLE DRUGS, PLLC.	7/7/2008	\$3,315.18	0463103-5	7/18/2008	7/23/2008	\$16,848.96
APPLE DRUGS, PLLC.	7/7/2008	\$85.97	0463125-7	7/18/2008	7/23/2008	\$19,247.50
APPLE DRUGS, PLLC.	7/7/2008	\$2,809.18	0463103-8	7/18/2008	7/23/2008	\$19,247.50
APPLE DRUGS, PLLC.	7/8/2008	\$1,301.13	0463773-6	7/18/2008	7/23/2008	\$16,848.96
APPLE DRUGS, PLLC.	7/8/2008	\$2,986.15	0463773-9	7/18/2008	7/23/2008	\$19,247.50
APPLE DRUGS, PLLC.	7/8/2008	\$15,899.98	0463773-2	7/18/2008	7/23/2008	\$23,903.54
APPLE DRUGS, PLLC.	7/8/2008	\$154.79	0463785-3	7/18/2008	7/23/2008	\$23,903.54
APPLE DRUGS, PLLC.	7/9/2008	\$3,881.00	0464480-7	7/18/2008	7/23/2008	\$16,848.96
APPLE DRUGS, PLLC.	7/9/2008	\$678.22	0464497-10	7/18/2008	7/23/2008	\$19,247.50
APPLE DRUGS, PLLC.	7/9/2008	\$118.80	0464467-11	7/18/2008	7/23/2008	\$19,247.50
APPLE DRUGS, PLLC.	7/9/2008	\$4,078.35	0464480-12	7/18/2008	7/23/2008	\$19,247.50
APPLE DRUGS, PLLC.	7/12/2008	\$22,282.07	7629-1	7/18/2008	7/23/2008	\$22,282.07
APPLE DRUGS, PLLC.	7/14/2008	\$883.19	0466756-8	7/18/2008	7/23/2008	\$16,848.96
APPLE DRUGS, PLLC.	7/31/2008	\$1,303.94	0466756-1	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$56.60	0470431-2	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$5,467.34	0470446-3	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$8,054.22	0471067-4	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$3,381.03	0468909-5	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$36.74	0468855-6	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$709.97	0467483-7	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$28.74	0470761-8	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$784.00	0470762-9	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$125.00	0470782-10	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$6,336.53	0471633-11	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$294.80	0471617-12	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$853.72	0471650-13	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$1,656.41	0472250-14	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$49.96	0472234-15	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$107.60	0473062-16	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$15.24	0471634-17	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$4,489.60	0473063-18	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$4,982.00	071008COD-19	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	7/31/2008	\$11,266.56	7626-20	7/31/2008	8/4/2008	\$50,000.00
APPLE DRUGS, PLLC.	8/12/2008	\$49,651.78	v1908	8/12/2008	8/12/2008	\$85,000.00
APPLE DRUGS, PLLC.	8/12/2008	\$35,348.22	v1907	8/12/2008	8/12/2008	\$85,000.00
APPLE DRUGS, PLLC.	8/15/2008	\$20,961.28	7631-1	8/15/2008	8/19/2008	\$25,000.00
APPLE DRUGS, PLLC.	8/15/2008	\$3,396.29	0469559-2	8/15/2008	8/19/2008	\$25,000.00
APPLE DRUGS, PLLC.	8/15/2008	\$482.21	0477618-3	8/15/2008	8/19/2008	\$25,000.00
APPLE DRUGS, PLLC.	8/15/2008	\$160.22	0469533-4	8/15/2008	8/19/2008	\$25,000.00
APPLE DRUGS, PLLC. Total		\$265,000.00				